

103D CONGRESS  
1ST SESSION

# H. R. 2989

Amending the Railway Labor Act to provide for the settlement of railroad labor-management disputes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. OXLEY (for himself, Mr. MOORHEAD, Mr. BLILEY, and Mr. FIELDS of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

Amending the Railway Labor Act to provide for the settlement of railroad labor-management disputes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AMENDMENT.**

4       The Railway Labor Act (45 U.S.C. 151 et seq.) is  
5       amended by inserting after section 10 the following new  
6       section:

7               “FINAL ARBITRATION PROCEDURES

8       “SEC. 10A. (a) If any dispute with respect to which  
9       a board created under section 10 has made recommenda-  
10      tions remains unresolved 30 days after the report of such

1 board to the President, the final paragraph of section 10  
2 shall apply and be extended for an additional period with  
3 respect to each such unresolved dispute, so that no change  
4 shall be made by any carrier or employee affected by such  
5 unresolved dispute, before a decision is rendered under  
6 subsection (c)(4) or the parties have reached agreement,  
7 in the conditions out of which such dispute arose.

8       “(b)(1)(A) Within three days (excluding Saturdays,  
9 Sundays, and Federal holidays) after the date which is  
10 30 days after a report is made to the President under sec-  
11 tion 10, the carrier parties to the unresolved disputes that  
12 were the subject of such report, acting jointly, and the  
13 labor organization parties to such unresolved disputes,  
14 acting jointly, shall select an individual from the entire  
15 roster of arbitrators maintained by the National Mediation  
16 Board. Within six days (excluding Saturdays, Sundays,  
17 and Federal holidays) after the date which is 30 days after  
18 such report under section 10, the individual selected by  
19 the labor organizations under the preceding sentence shall,  
20 jointly with the individual selected by the carrier parties  
21 under the preceding sentence, select an individual from  
22 such roster to serve as arbitrator for the unresolved dis-  
23 putes involving such labor organizations and carriers.

24       “(B) For purposes of this paragraph and subsection  
25 (a), a dispute as to which tentative agreement has been

1 reached but not ratified shall be considered an unresolved  
2 dispute.

3       “(2) No individual shall be selected under paragraph  
4 (1) who is pecuniarily or otherwise interested in any orga-  
5 nization of employees or any railroad, or who has served  
6 as a member of the board created under section 10 with  
7 respect to the disputes involved.

8       “(3) The compensation of individuals selected under  
9 paragraph (1) shall be fixed by the National Mediation  
10 Board. The second paragraph of section 10 of the Railway  
11 Labor Act shall apply to the expenses of such individuals  
12 as if such individuals were members of a board created  
13 under such section 10.

14       “(c)(1) During the 20-day period beginning on the  
15 date which is 30 days after the relevant report under sec-  
16 tion 10, the parties to the unresolved disputes described  
17 in subsection (b)(1) shall conduct negotiations for the pur-  
18 pose of reaching agreement with respect to such disputes.  
19 Arbitrators selected under subsection (b) shall be available  
20 for consultation with the parties to the unresolved disputes  
21 for which they have been selected.

22       “(2) If, within the period described in paragraph (1),  
23 the parties to any dispute described in subsection (b) do  
24 not reach agreement, both the labor organizations and the  
25 carriers shall, within five days after the end of such period,

1 submit to the arbitrator and to the other parties a pro-  
2 posed written contract embodying their last best offer for  
3 agreement concerning rates of pay, rules, and working  
4 conditions. Such proposed written contract shall address  
5 only—

6           “(A) issues that the relevant Presidential Emer-  
7 gency Board dealt with by a recommendation in its  
8 report; and

9           “(B) other issues that the parties agree may be  
10 addressed by the written contract.

11       “(3) Upon submission to the arbitrator of the pro-  
12 posed written contracts described in paragraph (2), and  
13 for a period of seven days thereafter, the parties shall,  
14 with the assistance of the arbitrator, attempt to reach  
15 agreement.

16       “(4) If the parties fail to reach agreement within the  
17 period described in paragraph (3), the arbitrator, within  
18 three days thereafter, shall render a decision selecting one  
19 of the proposed written contracts submitted under para-  
20 graph (2), without modification, and shall immediately  
21 submit such decision and selected contract to the Presi-  
22 dent. The selected contract shall be binding on the parties  
23 and have the same effect as though arrived at by agree-  
24 ment of the parties under this Act unless, within three  
25 days following receipt of the decision and selected con-

1 tract, the President disapproves such decision and con-  
2 tract. If the President disapproves such decision and con-  
3 tract, the parties shall have those rights under this Act  
4 they had on the date which was 30 days after the relevant  
5 report under section 10.

6       “(5)(A) With respect to any tentative agreement  
7 reached but not ratified prior to the date which is 30 days  
8 after the relevant report under section 10, if the ratifica-  
9 tion of such tentative agreement fails, the parties to such  
10 tentative agreement shall be considered parties to an unre-  
11 solved dispute for purposes of this subsection, and the  
12 time periods described in this subsection shall apply to  
13 such dispute beginning on the date of such failure.

14       “(B) With respect to any tentative agreement  
15 reached after the date which is 30 days after the relevant  
16 report under section 10, if the ratification of such ten-  
17 tative agreement fails, both the labor organizations and  
18 the carriers party to such tentative agreement shall, within  
19 five days after the date of such failure, submit to the arbi-  
20 trator and to the other parties a proposed written contract  
21 under paragraph (2), and shall be subject to paragraphs  
22 (3) and (4).

23       “(C) Upon the agreement of the parties to an unre-  
24 solved dispute, final offers may be submitted under para-

1 graph (2) at any time after the date which is 30 days  
2 after the relevant report under section 10.

3 “(6) The responsibilities of an arbitrator appointed  
4 under subsection (b) shall terminate upon a decision under  
5 paragraph (4) of this subsection.

6 “(d) There shall be no judicial review of any decision  
7 of an arbitrator under this section.

8 “(e) Nothing in this section shall prevent a mutual  
9 written agreement to any terms and conditions different  
10 from those established by this section.”.

11 **SEC. 2. EXCLUSION.**

12 Section 201 of the Railway Labor Act (45 U.S.C.  
13 181) is amended by striking “section 3” and inserting in  
14 lieu thereof “sections 3 and 10A”.

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